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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,324	12/18/2001	Urpo Tuomela	413-010763-US(PAR)	6731
2512	7590	03/06/2006	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			CHO, UN C	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,324

Applicant(s)

TUOMELA ET AL.

Examiner

Un C. Cho

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1 – 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Geva (US 6,366,871 B1).

Regarding claim 1, Geva discloses a data logging and processing device, reminder (a personal ambulatory cellular health monitor (Fig. 1, 12)), arranged so as to collect, process and indicate information needed by an individual user (the monitor collects, processes and provides information needed by the patient and the clinician), wherein the reminder comprises a control unit (control subsystem, Fig. 2B, 600; Geva, col. 5, lines 49 – 57 and Col. 7, lines 43 – 47) equipped with means arranged so as to make context-based decisions to guide the actions of

the user of the reminder, said reminder comprising (see Abstract): a means for monitoring physical condition of the user; a means for monitoring physical activity of the user (different sensors, built-in and/or external sensors within the monitor, monitors the physical condition and activity of the user; Geva, Col. 5, line 58 through Col. 6, line 47); a means for monitoring location of the user (personal location subsystem (Fig. 2C, 200) within the monitoring device, monitors the location of the user; Geva, Col. 6, line 51 through Col. 7, line 7), and; a means for monitoring task activity of the user (an event recording mode that monitors task activity of the user; Geva, Col. 9, lines 14 – 30).

Regarding claim 2, Geva discloses a memory part of which is arranged so as to provide an activity log in the reminder (Geva, Col. 9, lines 14 – 30).

Regarding claim 3, Geva discloses an alarm/display part (alarm (Fig. 2B, 609)/display (Fig. 2B, 606)), user interface for the device (keypad (Fig. 2B, 607)), and a receiver (radio subsystem (Fig. 2C, 500)) (Geva, Col. 7, lines 8 – 47).

Regarding claim 4, Geva discloses a receiving means, which the reminder is arranged so as to function as a terminal in a cellular network (Geva, Col. 7, lines 8 – 25).

Regarding claim 5, Geva discloses wherein the cellular network terminal is arranged so as to function as a personal cellular phone (Geva, Col. 7, lines 50 – 67).

Regarding claim 6, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geva in view of Nanikashvili (US 2005/0203349 A1).

Regarding claim 7, Geva as applied above discloses wherein the monitoring arrangements are arranged so as to communicate their data through a wired connection to the monitor (Geva, Fig. 1).

However, Geva as applied above does not specifically disclose wherein the monitoring arrangements are arranged so as to communicate their data through a wireless link to the reminder. In an analogous art, Nanikashvili discloses that monitoring arrangements are arranged so as to communicate their data through a wireless link to the reminder (Nanikashvili, Page 4, Paragraph 0043 line 1 through Paragraph 0044, line 11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Nanikashvili to the system of Geva in order to provide an efficient monitoring system that gives the user freedom to place the cellular phone (Figs. 3 – 6, 210 shows a device which gathers information from sensors (Figs. 3 – 6, 202)) in the most comfortable position so that the cell phone will not bother the user while performing different activities.

Regarding claim 8, Geva discloses wherein the data communicated by the monitoring arrangements are arranged so as to be stored in an activity log in the memory of the reminder (Geva, Col. 8, lines 46 – 49).

Response to Arguments

5. Applicant's arguments with respect to claims 1 – 8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2687

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C. Cho whose telephone number is (571) 272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEAN GELIN
PRIMARY EXAMINER

Jean Gelin

Un C Cho
Examiner
Art Unit 2687

2/28/06 UC